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To: <ewu@waterboards.ca.gov>, <rvillar@waterboards.ca.gov>
Date: 7/1/2011 1:24 PM
Subject: comments on tentative MOU between City of Malibu and Regional Board regarding phased implementation of Basin Plan Amendment

Eric Wu, PhD

California Regional Water Control Board

Los Angeles Region

320 West 4th Street, Suite 200

Los Angeles, California, 90013

RE: MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF MALIBU AND REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION AND STATE WATER RESOURCES CONTROL BOARD REGARDING PHASED IMPLEMENTATION OF BASIN PLAN AMENDMENT PROHIBITING ON-SITE WASTEWATER DISPOSAL SYSTEMS IN THE MALIBU CIVIC CENTER AREA

Dr. Wu:

I am a resident of the City of Calabasas, a customer of the Las Virgenes Municipal Water District, the Secretary of the Malibu Surfing Association and one of thousands of surfers and beach goers who uses Surfrider Beach regularly. I am 58 years old and have been watching the People of Malibu lying their way around the pollution at Surfrider Beach for over 30 years.

In my opinion this Memorandum of Understanding is a worthless sham and nothing more than another stalling tactic used by the People and the City of Malibu as they again push back the implementation of a sewer system.

Their history on this is explicit. The City of Malibu was formed specifically to stave off the sewer line that was coming up the PCH. LA County was in the process of installing it and People of Malibu incorporated just to put a stop to that project, preventing the sewer line from reaching the Civic Center which would have forced each home owner to pay hundreds of thousands of dollars to hook up.

It was all about the money. 20+ years later and still no septic system clean up, not even a die study to see which systems are dumping shit into the Lagoon.

They lied to us about creating the City of Malibu.

They promised then to clean up the Malibu Lagoon and their septic systems. Look what just happened. 15 plus years of studies, engineering and findings led up to the Lagoon Restoration Project that they just killed with a lawsuit because these prissy bitches do not want to clean up their own mess.

They lied to us.

In 1997(?), I actively supported the RWQCB actions to restrict water flow and emissions from the Tapia Creek treatment facility which services my home so that the water in the Malibu Lagoon that flows into the ocean at Surfrider Beach would have a shot at being cleaner. The People of Malibu had whined that it was not their crap polluting Surfrider Beach, making me and others sick, no, it was water from Tapia. So I said OK, lets force Tapia to clean up its act. They have complied, and I have been paying higher sewer and water bills ever since.

So the People of Malibu howled 'clean up Tapia and we will take care of the Lagoon'. And now, 14 years later, they have filed a lawsuit to stop the Lagoon Restoration Project.

So again, they lied to me and you about their intentions, and you think they are not lying to you now???

I donated \$1,000 to Legacy Park because I was promised they were buying the Chili Cook Off land to build a waste water treatment facility. They lied to me and built a storm water collection pond and a park???

They lied to me about Legacy Park and you think they are not lying to you now???

So what is going to happen with the Septic System and this Basin Plan?

As I read the MOU, nothing. The MOU has no teeth, imposes no penalty for non-compliance. These lying cheating polluters will do nothing and then 6 years from now, when they say they might get around to doing something, they will do something: they will file a lawsuit.

I beg the board to put some teeth into this MOU by condemning all the septic systems in the Phase 1, 2 & 3 areas NOW and then holding off enforcement of the condemnation order pending review of each and every milestone listed in this MOU.

If they miss a milestone, enforcement of the condemnation order is triggered.

At this point allowing them to 'negotiate' terms is ludicrous in the extreme. They are liars.

These people are not 'negotiating' with you, they are lying to you about what they may do, try to do, or put to a vote to see if our people really want to do, as part and party to this MOU.

If you enter into this agreement I promise you all you will get by 2019 is a lawsuit from some homeowner group that does not even exist right now. It will crawl out of the ooze of the Malibu Lagoon they refuse to clean up.

Condemn the septic systems in the Phase 1, 2 and 3 areas NOW.

Then the lawsuits will come NOW and get resolved.

And at least I may have clean water to surf in by the time I am 70.

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